

Steven Mitnick Esq.
MITNICK & MALZBERG, P.C.
P.O. Box 429
Frenchtown, New Jersey 08825
(908) 996-3716
Counsel for Plaintiff

Melissa A. Pena, Esq.
NORRIS, McLAUGHLIN, & MARCUS
875 Third Avenue, 18th Floor
New York, New York 10022
(212) 808-0700
Local Counsel for Plaintiff

SYSCO FOOD SERVICES OF METRO NEW
YORK, LLC,

Plaintiff(s),

vs.

JEKYLL & HYDE INC., DEACON BRODY
MANAGEMENT INC. d/b/a JEKYLL & HYDE
GREENWICH VILLAGE, DONALD R.
FINLEY, BAYVILLE ENTERTAINMENT INC.
d/b/a BAYVILLE ADVENTURE PARK, SIXTH
AVENUE FOOD SERVICES LTD., NEW
CASTLE FOODS, INC., DAVEY JONES
LOCKER MANAGEMETN INC. d/b/a SHIP
WRECK TAVERN, and 186 WEST ST.
MANAGEMENT CO., INC. d/b/a OLIVERS
BAR & GRILL,

Defendant(s).

: UNITED STATES DISTRICT COURT FOR THE
: SOUTHERN DISTRICT OF NEW YORK
:

: Civil Case No. 08-CV-02958 (BSJ)
:

: **PROOF OF SERVICE OF SUMMONS AND**
: **COMPLAINT**
:

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Mitnick & Malzberg

Po Box 429

Frenchtown,, NJ 08825

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Court Date:

Your File No:

Our Rec. No: 290129

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019

ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on BAYVILLE ENTERTAINMENT INC. D/B/A BAYVILLE ADVENTURE PARK recipient therein named.

By delivering to and leaving with TREY GARBERS

at 1409 AVE OF AMERICAS, NY NY 10019

and that he knew the person so served to be the MANAGING AGENT of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8

Color of Skin: WHITE Color of Hair: BROWN Sex: MALE

***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR

***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08

Bruce J Smilowitz #01SM4965926

Notary Public, State of New York

Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT
SOUTHERN-NY DISTRICT OF NEW YORKN
Index # 08 CV 02958

Plaintiff(s)

SYSCO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Court Date:

Your File No:

Our Rec. No: 290128

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019
ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on DEACON BRODY MGMT. INC. D/B/A JEKYLL & HYDE GREENWICH VILL. recipient therein named.

By delivering to and leaving with TREY GARBERS
at 1409 AVE OF AMERICAS, NY NY 10019
and that he knew the person so served to be the MANAGING AGENT
of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8
Color of Skin: WHITE Color of Hair: BROWN Sex: MALE
***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR
***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Mitnick & Malzberg
Po Box 429
Frenchtown,, NJ 08825

Court Date:

Your File No:

Our Rec. No: 290130

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019
ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on SIXTH AVENUE FOOD SERVICES, LTD. recipient therein named.

By delivering to and leaving with TREY GARBERS
at 1409 AVE OF AMERICAS, NY NY 10019
and that he knew the person so served to be the MANAGING AGENT
of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8
Color of Skin: WHITE Color of Hair: BROWN Sex: MALE
***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR
***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Mitnick & Malzberg

Po Box 429

Frenchtown,, NJ 08825

Court Date:

Your File No:

Our Rec. No: 290127

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019

ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on JEKYLL & HYDE, INC. recipient therein named.

By delivering to and leaving with TREY GARBERS

at 1409 AVE OF AMERICAS, NY NY 10019

and that he knew the person so served to be the MANAGING AGENT of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8

Color of Skin: WHITE Color of Hair: BROWN Sex: MALE

***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR

***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08

Bruce J Smilowitz #01SM4965926

Notary Public, State of New York

Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSKO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Mitnick & Malzberg

Po Box 429

Frenchtown,, NJ 08825

Court Date:

Your File No:

Our Rec. No: 290133

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019

ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on 186 WEST 4TH STREET MGMT. CO., INC. D/B/A OLIVERS BAR & GRILL recipient therein named.

By delivering to and leaving with TREY GARBERS
at 1409 AVE OF AMERICAS, NY NY 10019
and that he knew the person so served to be the MANAGING AGENT
of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8

Color of Skin: WHITE Color of Hair: BROWN Sex: MALE

***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR

***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08
Bruce J Smilowitz #00SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSKO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Mitnick & Malzberg

Po Box 429

Frenchtown, NJ 08825

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Court Date:

Your File No:

Our Rec. No: 290132

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019
ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on DAVEY JONES LOCKER MANAGEMENT INC. D/B/A SHIP WRECK TAVERN recipient therein named.

By delivering to and leaving with TREY GARBERS
at 1409 AVE OF AMERICAS, NY NY 10019
and that he knew the person so served to be the MANAGING AGENT
of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8
Color of Skin: WHITE Color of Hair: BROWN Sex: MALE
***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR
***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Mitnick & Malzberg

Po Box 429

Frenchtown,, NJ 08825

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Court Date:

Your File No:

Our Rec. No: 290131

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS, NY, NY 10019
ATTN: CORP OFFICER OR MANAGING AGENT

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on NEW CASTLE FOODS, INC. recipient therein named.

By delivering to and leaving with TREY GARBERS
at 1409 AVE OF AMERICAS, NY NY 10019
and that he knew the person so served to be the MANAGING AGENT
of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8
Color of Skin: WHITE Color of Hair: BROWN Sex: MALE
***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR
***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257

U.S. DISTRICT COURT of the STATE OF NEW YORK
COUNTY OF SOUTHERN-NY

N
Index # 08 CV 02958

Plaintiff(s)

SYSO FOOD SERVICES OF METRO NEW YORK, LLC

- against -

AFFIDAVIT

Mitnick & Malzberg

Po Box 429

Frenchtown,, NJ 08825

Defendant(s)

JEKYLL & HYDE, INC., DEACON BRODY MANAGEMENT INC. D/B/A

JEKYLL & HYDE GREENWICH VILLAGE, ET AL.,

Court Date:

Your File No:

Our Rec. No: 290134

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

Harry Torres LIC#915257, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 04/15/08 at 4:33PM at:

1409 AVENUE OF THE AMERICAS,
NEW YORK, NY 10019

deponent served the within SUMMONS, RULE 7.1 DISCLOSURE STATEMENT, COMP, INDIVIDUAL** on DONALD R. FINELY recipient therein named.

Service was made in the following manner after your deponent was unable with due dilligence to serve the recipient in person:

By delivering a true copy thereof to and leaving with TREY GERBERS, COWORKER a person of suitable age and discretion at 1409 AVE. OF AMERICAS, NY NY 10019 the said premises being the recipient's place of business within the State of New York.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 25 Approximate Weight: 150 Approximate Height: 5'8

Color of Skin: WHITE Color of Hair: BROWN Sex: MALE

***PRACTICES OF JUDGE BARBARA S. JONES, 3RD AMENDED INST. FOR

***FILING AN ELECTRONIC CASE OR APPEAL & GUIDELINES.....

Spoke w/ TREY GERBERS, COWORKER on 04/15/08 who confirmed his/her nonmilitary status.

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked 'personal & confidential' and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office depository under exclusive care and custody of the United States Postal Service within New York State on 04/21/08.

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 04/21/08
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010

Harry Torres LIC#915257